

1 UNITED STATES DISTRICT COURT  
 2 DISTRICT OF NEVADA

3 LAVELLE LOWE,

Case No. 2:21-cv-01100-RFB-DJA

4 Plaintiff

ORDER

5 v.

6 WILLIAM GITTERE, et al.,

7 Defendants

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 10 The Office of the Attorney General did not accept service of process on behalf of  
 11 Defendant Thomas Quinlan, who is no longer an employee of the Nevada Department  
 12 of Corrections, and Defendant Cruz, who the Attorney General is unable to identify.  
 13 (ECF Nos. 7, 10). The Attorney General has filed the last known address of Defendant  
 14 Quinlan under seal. (ECF No. 11). The Court grants Plaintiff's application to proceed *in*  
 15 *forma pauperis* (ECF No. 3) and addresses the matter of service. If Plaintiff wishes to  
 16 have the U.S. Marshal attempt service on Defendants Quinlan and/or Cruz, he shall  
 17 follow the instructions contained in this order.

18 **CONCLUSION**

19 It is ordered that Plaintiff's application to proceed *in forma pauperis* (ECF No. 3)  
 20 is GRANTED. Plaintiff shall not be required to pay an initial installment of the filing fee.  
 21 In the event that this action is dismissed, the full filing fee must still be paid pursuant to  
 22 28 U.S.C. § 1915(b)(2). Plaintiff is permitted to maintain this action to conclusion without  
 23 the necessity of prepayment of any additional fees or costs or the giving of security  
 24 therefor.

25 It is further ordered that, pursuant to 28 U.S.C. § 1915, as amended by the Prison  
 26 Litigation Reform Act, the Nevada Department of Corrections will forward payments  
 27 from the account of Lavelle Lowe, #93052 to the Clerk of the United States District  
 28 Court, District of Nevada, 20% of the preceding month's deposits (in months that the

1 account exceeds \$10.00) until the full \$350 filing fee has been paid for this action. The  
2 Clerk of the Court will send a copy of this order to the Finance Division of the Clerk's  
3 Office. The Clerk will send a copy of this order to the attention of **Chief of Inmate**  
4 **Services for the Nevada Department of Corrections**, P.O. Box 7011, Carson City,  
5 NV 89702.

6 It is further ordered that, **with respect to Defendant Quinlan**, the Clerk shall  
7 ISSUE a summons for Defendant Thomas Quinlan and send the same to the U.S.  
8 Marshal with the address provided under seal. (ECF No. 11).

9 It is further ordered that, **with respect to Defendant Cruz**, the Clerk shall ISSUE  
10 a summons for Defendant Cruz and send the same to the U.S. Marshal.

11 It is further ordered that the Clerk shall also SEND sufficient copies of the  
12 complaint, (ECF No. 6), the screening order, (ECF No. 5), and this order to the U.S.  
13 Marshal for service on Defendants Quinlan and Cruz.

14 It is further ordered that the Clerk shall SEND to Plaintiff two USM-285 forms.  
15 Plaintiff shall have until Friday, May 20, 2022, to complete the USM-285 service forms  
16 and return it to the U.S. Marshals Service, 333 Las Vegas Boulevard South, Suite 2058,  
17 Las Vegas, NV 89101.

18 It is further ordered that, within **20 days** after receiving from the U.S. Marshal a  
19 copy of the USM-285 form(s) showing whether service has been accomplished, Plaintiff  
20 must FILE a notice with the Court identifying which Defendant(s) were served and which  
21 were not served, if any. If Plaintiff wishes to have service again attempted on an  
22 unserved Defendant(s), then a motion must be filed with the Court identifying the  
23 unserved Defendant(s) and specifying a more detailed name and/or address for said  
24 Defendant(s), or whether some other manner of service should be attempted.

25 It is further ordered that Plaintiff will serve upon defendant(s) or, if an appearance  
26 has been entered by counsel, upon their attorney(s), a copy of every pleading, motion  
27 or other document submitted for consideration by the Court. If Plaintiff electronically  
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1 files a document with the Court's electronic-filing system, no certificate of service is  
2 required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However,  
3 if Plaintiff mails the document to the Court, Plaintiff shall include with the original  
4 document submitted for filing a certificate stating the date that a true and correct copy  
5 of the document was mailed to the defendants or counsel for the defendants. If counsel  
6 has entered a notice of appearance, Plaintiff shall direct service to the individual  
7 attorney named in the notice of appearance, at the physical or electronic address stated  
8 therein. The Court may disregard any document received by a district judge or  
9 magistrate judge which has not been filed with the Clerk, and any document received  
10 by a district judge, magistrate judge, or the Clerk which fails to include a certificate  
11 showing proper service when required.

12 If Plaintiff fails to follow this order, Defendants Quinlan and Cruz will be dismissed  
13 for failure to complete service of process pursuant to Fed.R.Civ.P. 4(m).

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15 DATED this 21<sup>st</sup> day of April 2022.

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18 UNITED STATES MAGISTRATE JUDGE  
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